

REMARKS

1. Claim Rejections -- 35 U.S.C. § 102

Claims 1-4, 6, 9-14, and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,626,608 to Cuny (hereinafter referred to as “Cuny”).

In response, Applicant respectfully asserts that the Cuny reference fails to disclose an ergonomic handle with an aperture sized and shaped to receive a finger of the user and a finger actuator accessible through the aperture.

Instead, Cuny discloses a surgical instrument with a stationary handle and a pivoting handle with the pivoting handle movable to move an inner rod member slidable within an outer tube member. As clearly seen in FIGs. 1-4, the pivoting handle is disposed on the thumb side of the stationary handle and moves toward and away from the stationary handle in order to actuate the surgical instrument.

In contrast, independent claims 1 and 12 set forth a surgical instrument with:

"an ergonomic handle having an aperture accessible by a single finger of a user, and a finger actuator accessible through the aperture, the finger actuator being sized and shaped to receive the finger of the user..."

The elements of an aperture in the handle that is accessible by a finger of the user and a finger actuator accessible through the aperture are not taught in any of the cited references, and provide the advantage of reducing hand and wrist strain because the placement of the finger actuator in the aperture of the handle allows the user's hand to be held in a relaxed position.

Dependent claims 2-11 and 13-18 place further limitations on what is otherwise allowable subject matter, as argued above. Therefore, Applicant respectfully submits that these claims stand in a condition for allowance.

Based on the foregoing, Applicant respectfully submits that Cuny does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

2. Claim Rejections -- 35 U.S.C. § 102

Claims 1, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,077,286 to Cuschieri et al. (hereinafter referred to as “Cuschieri”).

In response, Applicant respectfully asserts that the Cuschieri reference fails to disclose an ergonomic handle with an aperture sized and shaped to receive a finger of the user and a finger actuator disposed in the aperture.

Instead, Cuschieri teaches a surgical instrument with a bendable handle consisting of a stationary handpiece and a mobile handpiece. As clearly seen in FIGs. 1-3, the mobile handpiece is disposed on the finger side of the stationary handpiece and moves toward or away from the stationary handpiece in order to actuate the surgical instrument.

In contrast, independent claim 1 sets forth a surgical instrument with:

"an ergonomic handle having an aperture accessible by a single finger of a user, and a finger actuator accessible through the aperture, the finger actuator being sized and shaped to receive the finger of the user..."

The elements of an aperture in the handle that is accessible by a finger of the user and a finger actuator in the aperture are not taught in Cuschieri.

Dependent claims 6 and 7 place further limitations on what is otherwise allowable subject matter, as argued above. Therefore, Applicant respectfully submits that these claims stand in a condition for allowance.

Based on the foregoing, Applicant respectfully submits that Cuschieri does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

3. Claim Rejections -- 35 U.S.C. § 102

Claims 19 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,281,220 to Blake, III (hereinafter referred to as "Blake").

In response, Applicant respectfully asserts that the Blake reference fails to disclose an ergonomic handle with an aperture sized and shaped to receive a finger of the user and a finger actuator disposed in the aperture.

Instead, Blake teaches an endoscopic instrument with a handle consisting of a stationary handgrip and a movable hand lever. As clearly seen in FIGs. 1-3, the movable hand lever is disposed on the thumb side of the stationary handgrip and moves toward or away from the stationary handpiece in order to actuate the surgical instrument. A finger loop is disposed under

the stationary handgrip that rotates the surgical instrument.

In contrast, independent claim 19 sets forth:

“a method of manipulating a surgical instrument with a single finger, comprising the following steps: grasping the surgical instrument with a hand of a user; inserting the single finger of the user into a finger actuator accessible through an aperture of an ergonomic handle of the surgical instrument;...”

The step of inserting the user’s finger into a finger actuator that is accessible through an aperture in the handle is not taught in Blake.

Dependent claim 20 places further limitations on what is otherwise allowable subject matter, as argued above. Therefore, Applicant respectfully submits that these claims stand in a condition for allowance.

Based on the foregoing, Applicant respectfully submits that B does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

4. *Claim Rejections -- 35 U.S.C. § 103*

Claims 5, 8, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,636,608 to Cuny et al. (hereinafter referred to as “Cuny”) in view of United States Patent No. 5,718,714 to Livneh (hereinafter referred to as “Livneh”).

As discussed above, Cuny does not teach each and every element of independent claims 1 and 12 of the present invention and Livneh does not overcome Cuny’s deficiencies. Namely, neither Cuny nor Livneh teach an aperture in the handle that is accessible by a finger of the user and a finger actuator accessible through the aperture.

Instead, Cuny teaches a surgical instrument with a stationary handle and a pivoting handle with the pivoting handle movable to move an inner rod member slidable within an outer tube member. Similarly, Livneh teaches a pair of handles pivotally mounted together and pivotal with respect to one another to actuate the surgical instrument. Thus, Cuny does not teach a handle with an aperture and a finger actuator accessible through the aperture as claimed in independent claims 1 and 12, and Livneh does not overcome this deficiency.

Dependent claims 5, 8 and 15 place further limitations on what is otherwise allowable

subject matter, as argued above. Therefore, Applicant respectfully submits that these claims also stand in a condition for allowance.

Based on the foregoing, Applicant submits that the prior art does not render the claims of the present invention obvious, particularly as amended to recite more specific and definite limitations. As such, Applicant respectfully requests that the claims of the application be reconsidered and that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art references cited by the Examiner. As such, Applicant believes that the application is now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

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Respectfully submitted,

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